

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BROCADE COMMUNICATIONS SYSTEMS,)
INC., ET AL.,)

Plaintiffs,)

v.)

A10 NETWORKS, INC., ET AL.,)

Defendants.)

Case No.: C 10-3428 PSG

**ORDER DENYING DEFENDANTS'
CIVIL L.R. 6-3 MOTION TO
ENLARGE TIME**

On September 21, 2012, A10 Networks, Inc. and Lee Chen (collectively “Defendants”) moved under Civil L.R. 6-3(b) to postpone briefing and hearing of motions brought by Brocade Communications Systems, Inc. and Foundry Networks, LLC (collectively “Plaintiffs”).

On September 4, 2012, Defendants filed a motion for judgment as a matter of law (“JMOL”) under Fed. R. Civ. P. 50(b) following a jury verdict finding Defendants liable for copyright infringement, patent infringement, trade secret misappropriation, and intentional contract interference.¹ On September 18, 2012, Plaintiffs filed a motion for entry of a permanent injunction,² a motion for production and accounting,³ and a motion for entry of a judgment under

¹ See Docket No. 776.

² See Docket No. 783.

³ See Docket No. 782.

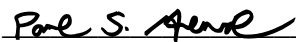
1 Fed. R. Civ. P. 54(b).⁴ The four motions were set for hearing on October 30, 2012, and the court
 2 continued hearing on the motions until November 6, 2012.⁵ Defendants request the court delay the
 3 briefing and hearing of Plaintiffs' motions until the court issues a decision on Defendants' JMOL.

4 Civil L.R. 6-3(b) requires movants to "set[] forth with particularity, the reasons for the
 5 requested enlargement" and to identify "the substantial harm or prejudice that would occur if" the
 6 motion was not granted. Defendants argue that because their JMOL may result in an overturn or
 7 new interpretation of the jury verdict, the court's decision may moot or materially affect the
 8 outcome of Plaintiffs' motions. That may be so. But if anything Defendants' argument would
 9 appear to support consolidating hearing all of the motions so that the court may consider the
 10 appropriate outcome for the various post-trial motions at one time. At the very least, Defendants
 11 have not identified any substantial harm or prejudice that would result if Plaintiffs' motions were
 12 not postponed.

13 Accordingly, Defendants' motion to enlarge time for briefing and argument of Plaintiffs'
 14 motions is DENIED.

15 **IT IS SO ORDERED.**

16 Dated: September 28, 2012

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 18 PAUL S. GREWAL
 19 United States Magistrate Judge
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27 ⁴ See Docket No. 785.

28 ⁵ See Docket No. 786.